

**THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

PETER D. KINDER,)
MISSOURI LIEUTENANT GOVERNOR, et al.,)
)
Plaintiffs,)
) Cause No: 1:10-cv-00101-RWS
v.)
)
TIMOTHY F. GEITHNER,)
SECRETARY OF TREASURY, et al.,)
)
Defendants.)

NOTICE OF SUPPLEMENTAL AUTHORITY

Come now Plaintiffs and notify this Court that the Missouri Attorney General has filed a brief as *Amicus Curiae* in the appeal of the case *State of Florida et al. v. United States Department of Health and Human Services et al.*, (No. 11-11021) now pending in the Eleventh Circuit. The Missouri Attorney General filed his brief in support of federal Judge Vinson's opinion declaring the "Individual Mandate" provision of the "Patient Protection and Affordable Care Act"¹ to be unconstitutional. Missouri Attorney General Koster also notes the Individual Mandate is in conflict with the "Missouri Health Care Freedom Act."² Concurrent with filing this brief, Attorney General Koster also notified Missouri Senate President Pro Tem, Robert N. Mayer, and Speaker of Missouri House of Representatives, Steven D. Tilley, that he filed this amicus brief in response to a resolution of the Missouri House and Senate. (A copy of Attorney General Koster's Brief and his Letter to President Pro Tem Mayer and Speaker Tilley is attached as Exhibit A).

¹ Pub. L. No. 111-148, 124 Stat. 119 (2010), as amended by the Health Care and Education Reconciliation Act of 2010, Pub. L. No. 111-152, 124 Stat. 1029 (2010)

² The Missouri Health Care Freedom Act was passed as "Proposition C" by popular referendum on August 3, 2010 and is codified as Mo. Rev. Stat. § 5000A.

Accordingly, Plaintiffs hereby notify this Court and Defendants of the Missouri Attorney General's amicus brief as supplemental authority in support of Plaintiffs' position.

Date: April 11, 2011

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